

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Veterans and Servicemembers Court Treatment  
5 Act is amended by changing Sections 10, 25, and 30 as follows:

6 (730 ILCS 167/10)

7 Sec. 10. Definitions. In this Act:

8 "Combination Veterans and Servicemembers Court program"  
9 means a court program that includes a pre-adjudicatory and a  
10 post-adjudicatory Veterans and Servicemembers court program.

11 "Court" means Veterans and Servicemembers Court.

12 "IDVA" means the Illinois Department of Veterans' Affairs.

13 "Peer recovery coach" means a volunteer veteran mentor  
14 assigned to a veteran or servicemember during participation in  
15 a veteran treatment court program who has been trained and  
16 certified by the court to guide and mentor the participant to  
17 successfully complete the assigned requirements.

18 "Post-adjudicatory Veterans and Servicemembers Court  
19 Program" means a program in which the defendant has admitted  
20 guilt or has been found guilty and agrees, along with the  
21 prosecution, to enter a Veterans and Servicemembers Court  
22 program as part of the defendant's sentence.

23 "Pre-adjudicatory Veterans and Servicemembers Court

1 Program" means a program that allows the defendant with the  
2 consent of the prosecution, to expedite the defendant's  
3 criminal case before conviction or before filing of a criminal  
4 case and requires successful completion of the Veterans and  
5 Servicemembers Court programs as part of the agreement.

6 "Servicemember" means a person who is currently serving in  
7 the Army, Air Force, Marines, Navy, or Coast Guard on active  
8 duty, reserve status or in the National Guard.

9 "VA" means the United States Department of Veterans'  
10 Affairs.

11 "VAC" means a veterans assistance commission.

12 "Veteran" means a person who served in the active military,  
13 naval, or air service and who was discharged or released  
14 therefrom under conditions other than dishonorable.

15 "Veterans and Servicemembers Court professional" means a  
16 member of the Veterans and Servicemembers Court team, including  
17 but not limited to a judge, prosecutor, defense attorney,  
18 probation officer, coordinator, treatment provider, or peer  
19 recovery coach.

20 "Veterans and Servicemembers Court" means a court or  
21 program with an immediate and highly structured judicial  
22 intervention process for substance abuse treatment, mental  
23 health, or other assessed treatment needs of eligible veteran  
24 and servicemember defendants that brings together substance  
25 abuse professionals, mental health professionals, VA  
26 professionals, local social programs and intensive judicial

1 monitoring in accordance with the nationally recommended 10 key  
2 components of drug courts.

3 (Source: P.A. 99-314, eff. 8-7-15.)

4 (730 ILCS 167/25)

5 Sec. 25. Procedure.

6 (a) The Court shall order the defendant to submit to an  
7 eligibility screening and an assessment through the VA, VAC,  
8 and/or the IDVA to provide information on the defendant's  
9 veteran or servicemember status.

10 (b) The Court shall order the defendant to submit to an  
11 eligibility screening and mental health and drug/alcohol  
12 screening and assessment of the defendant by the VA, VAC, or by  
13 the IDVA to provide assessment services for Illinois Courts.  
14 The assessment shall include a risks assessment and be based,  
15 in part, upon the known availability of treatment resources  
16 available to the Veterans and Servicemembers Court. The  
17 assessment shall also include recommendations for treatment of  
18 the conditions which are indicating a need for treatment under  
19 the monitoring of the Court and be reflective of a level of  
20 risk assessed for the individual seeking admission. An  
21 assessment need not be ordered if the Court finds a valid  
22 screening and/or assessment related to the present charge  
23 pending against the defendant has been completed within the  
24 previous 60 days.

25 (c) The judge shall inform the defendant that if the

1 defendant fails to meet the conditions of the Veterans and  
2 Servicemembers Court program, eligibility to participate in  
3 the program may be revoked and the defendant may be sentenced  
4 or the prosecution continued as provided in the Unified Code of  
5 Corrections for the crime charged.

6 (d) The defendant shall execute a written agreement with  
7 the Court as to his or her participation in the program and  
8 shall agree to all of the terms and conditions of the program,  
9 including but not limited to the possibility of sanctions or  
10 incarceration for failing to abide or comply with the terms of  
11 the program.

12 (e) In addition to any conditions authorized under the  
13 Pretrial Services Act and Section 5-6-3 of the Unified Code of  
14 Corrections, the Court may order the defendant to complete  
15 substance abuse treatment in an outpatient, inpatient,  
16 residential, or jail-based custodial treatment program, order  
17 the defendant to complete mental health counseling in an  
18 inpatient or outpatient basis, comply with physicians'  
19 recommendation regarding medications and all follow up  
20 treatment. This treatment may include but is not limited to  
21 post-traumatic stress disorder, traumatic brain injury and  
22 depression.

23 (f) The Court may establish a mentorship program that  
24 provides access and support to program participants by peer  
25 recovery coaches. Courts shall be responsible to administer the  
26 mentorship program with the support of volunteer veterans and

1 local veteran service organizations, including a VAC. Peer  
2 recovery coaches shall be trained and certified by the Court  
3 prior to being assigned to participants in the program.

4 (Source: P.A. 99-314, eff. 8-7-15.)

5 (730 ILCS 167/30)

6 Sec. 30. Mental health and substance abuse treatment.

7 (a) The Veterans and Servicemembers Court program may  
8 maintain a network of substance abuse treatment programs  
9 representing a continuum of graduated substance abuse  
10 treatment options commensurate with the needs of defendants;  
11 these shall include programs with the VA, IDVA, a VAC, the  
12 State of Illinois and community-based programs supported and  
13 sanctioned by either or both.

14 (b) Any substance abuse treatment program to which  
15 defendants are referred must meet all of the rules and  
16 governing programs in Parts 2030 and 2060 of Title 77 of the  
17 Illinois Administrative Code.

18 (c) The Veterans and Servicemembers Court program may, in  
19 its discretion, employ additional services or interventions,  
20 as it deems necessary on a case by case basis.

21 (d) The Veterans and Servicemembers Court program may  
22 maintain or collaborate with a network of mental health  
23 treatment programs and, if it is a co-occurring mental health  
24 and substance abuse court program, a network of substance abuse  
25 treatment programs representing a continuum of treatment

1 options commensurate with the needs of the defendant and  
2 available resources including programs with the VA, the IDVA, a  
3 VAC, and the State of Illinois.

4 (Source: P.A. 96-924, eff. 6-14-10.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.